

EXHIBIT H

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Boston, MA 02110

TELECOPY COVER SHEET

DATE: August 2, 2005 OUR FILE NO: 282-0402415

TOTAL NUMBER OF PAGES: - 3 - (INCLUDING THIS SHEET)

PLEASE DELIVER THE FOLLOWING PAGES TO:

Name : Edward Colbert, Esq.

Company : Looney & Grossman, LLP

Facsimile No. : (617) 951-2819

From : Pierce, Davis & Perritano, LLP

Name : John J. Cloherty III

Phone No. : (617) 350-0950

Facsimile No. : (617) 350-7760

Regarding : *Crystal Motor Express, Inc. v. Town of Lynnfield*

Remarks : Please see attached.

NOTE: If you do not receive all the pages, please call back as soon as possible: (617) 350-0950.

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August 2, 2005

VIA FACSIMILE AND
FIRST CLASS MAIL

Edward V. Colbert III
Looney & Grossman LLP
101 Arch Street
Boston, MA 02110

Re: Crystal Motor Express, Inc. v. Town of Lynnfield
U.S. District Court of MA C.A. No.: 04CV11450 RGS
Our File No.: 282-0402415

Dear Attorney Colbert:

In response to your letter dated July 27, 2005, please note the following:

1. I now have 2 DVD-R disks for the video of the October 2003 Town Meeting which I will make available for inspection and copying.
2. I believe the Town Clerk's files have already been segregated for your review, but will confirm this with the clerk.
3. I will obtain and provide a copy of the Town's Charter.
4. I will obtain and provide a copy of the Town Administrator's job description.
5. I have requested a copy of the applicable insurance policy from the insurance company and will provide a copy of it to you upon receipt.

I do not anticipate changing my position that Town Counsel's discussions with Town Officials and any minutes of executive sessions are privileged. Unfortunately, it may require a court ruling to obtain discovery of these privileged communications and documents. By way of complying with the applicable rules of procedure, please accept this as a privileged document log of the following responsive documents now known to defense counsel that are being withheld from production due to privilege:

PIERCE, DAVIS & PERRITANO, LLP

Crystal Motor Express, Inc. v. Town of Lynnfield
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Page 2

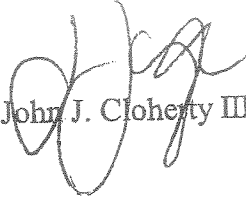
- (A) Board of Health Executive Session Minutes dated 3/3/04.
- (B) Town Counsel Thomas Mullen's correspondence to Health Director James Nugent, dated 6/19/04, 4/19/04, 2/2/04, 1/19/04, and 1/6/04.
- (C) Town Counsel Thomas Mullen's correspondence to six Town Officials, William Gustus, et al., dated 3/4/04.
- (D) Health Director James Nugent's correspondence to Town Counsel Thomas Mullen dated 12/9/03.
- (E) L. Cardavelli correspondence to Claims Manager Michael Cusack dated 6/28/04.

Please contact me upon receipt of this letter to further discuss its contents.

Thank you.

Sincerely,

PIERCE, DAVIS & PERRITANO, LLP



John J. Cloherly III

JJC/mm

cc: Thomas Mullen, Esq.